

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on December 4, 2003.

  
Attorney for Applicant(s)

PATENT APPLICATION

Docket No.: SVL920030093US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Yin Chen et al. )  
Serial No.: Not yet assigned )  
Filing Date: December 4, 2003 ) Group Art  
For: A SYSTEM, METHOD, AND APPARATUS FOR ) Unit:  
MODELING AND ANALYZING A PLURALITY OF )  
COMPUTING WORKLOADS )

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Information Disclosure Statement discloses information which has come to the attention of applicant and his attorneys and is being submitted so as to comply with the duty of disclosure set forth in 37 C.F.R. § 1.56. In accordance with 37 C.F.R. § 1.97(b), this Statement is being filed within three (3) months of the filing date of the above-identified application or before the mailing date of a first Action on the merits.

Neither applicant nor his attorneys make any representation that any information disclosed herein may be "prior art" within the meaning of that term under 35 U.S.C. §§ 102 or 103. Moreover, pursuant to 37 C.F.R. § 1.97, the filing of this Information Disclosure Statement

shall not be construed as a representation that a search has been made or as an admission that the information cited herein is, or is considered to be, material to patentability as defined in 37 C.F.R. § 1.56(b).

In accordance with 37 C.F.R. § 1.98, this Information Disclosure Statement includes and is accompanied by:

1. A completed copy of Form PTO-1449 listing the patents, publications and other information being submitted for consideration; and
2. A legible copy of each publication and other item of information in written form listed on the enclosed Form PTO-1449.

#### NON-ENGLISH INFORMATION

Pursuant to 37 C.F.R. § 1.98, following is a concise explanation of the relevance (as it is presently understood by the individual designated in 37 C.F.R. § 1.56(c) most knowledgeable about the content of the information), of each listed patent, publication or other information that is not in the English language.

Respectfully submitted,



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Date: December 4, 2003

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|---|----------------------------------|--|
| <b>FORM PTO-1449</b><br><br><b>LIST OF PATENTS AND PUBLICATIONS<br/>FOR APPLICANT'S INFORMATION<br/>DISCLOSURE STATEMENT</b><br><br>(use several sheets if necessary) | SERIAL NO.<br>Not yet assigned   | ATTORNEY DOCKET NO.<br>SVL920030093US1 |
|   | FILING DATE<br>December 4, 2003  | GROUP ART UNIT                         |
|   | APPLICANT(S):<br>Yin Chen et al. |  |

**REFERENCE DESIGNATION****U.S. PATENT DOCUMENTS**

| EXAMINER<br>INITIAL |    | DOCUMENT<br>NUMBER | DATE       | NAME                 | CLASS/<br>SUBCLASS | FILING<br>DATE |
|---------------------|----|--------------------|------------|----------------------|--------------------|----------------|
|                     | A1 | 2002/0049687       | 04/25/2002 | Helsper et al.       | 706/45             | 03/16/2001     |
|                     | A2 | 2002/0099821       | 07/25/2002 | Hellerstein et al.   | 709/224            | 03/29/2002     |
|                     | A3 | 6,430,615          | 08/06/2002 | Hellerstein et al.   | 709/224            | 03/13/1998     |
|                     | A4 | 2002/0184000       | 12/05/2002 | Christodoulou et al. | 703/22             | 06/04/2002     |
|                     | A5 | 6,562,796          | 05/13/2003 | Saito                | 370/252            | 03/15/1999     |
|                     | A6 | 2002/018102        | 08/08/2002 | Muhlestein et al.    | 717/124            | 07/06/2001     |

**FOREIGN PATENT DOCUMENTS**

| EXAMINER<br>INITIAL |  | DOCUMENT<br>NUMBER | DATE | COUNTRY | CLASS/<br>SUBCLASS | TRANSLATION |    |
|---------------------|--|--------------------|------|---------|--------------------|-------------|----|
|                     |  |                    |      |         |                    | YES         | NO |
|                     |  |                    |      |         |                    |             |    |

**NON-PATENT DOCUMENTS**

| EXAMINER<br>INITIAL |    | DOCUMENT (Including Author, Title, Source, and Pertinent Pages)   |
|---------------------|----|---|
|                     | A7 | Faerman, et al., "Adaptive Performance Prediction for Distributed Data-Intensive Applications", Dept. of Computer Science and Engineering, University of California, Aug. 9 1999, pages 1-15. |

| EXAMINER | DATE CONSIDERED |
|----------|-----------------|
|          |                 |

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant(s).